

7/2/2005
ORIGINAL

STATE OF CALIFORNIA
Energy Resources Conservation
and Development Commission

DOCKET
04-AFC-1

DATE JUN 1 2005
RECD JUN 13 2005

In the Matter of)
Application for Certification of the)
San Francisco Electric Reliability Project)
(SFERP))
_____)

Docket No. 04-AFC-1

**APPLICANT'S OBJECTIONS AND NOTICES OF NEED FOR ADDITIONAL
TIME IN RESPONSE TO CARE MAY 31, 2005, DATA REQUESTS**

Pursuant to Rule 1716 of the California Energy Commission's (CEC) Rules of Practice and Procedure, the California Public Records Act and the San Francisco Sunshine Ordinance (Sunshine Ordinance), the City of San Francisco ("City" or "Applicant") submits the following objections and notices of need for additional time in response to the data requests submitted by Californian's for Renewable Energy, Inc., (CARE) to the City on May 31, 2005,¹ regarding the San Francisco Electric Reliability Project (SFERP). Notwithstanding and without waiving these objections, the City is today providing a response to each of the CARE data requests.

3.1-1. Please provide an estimate of how many hours a year that the SFERP would not be available due to maintenance and a sample maintenance schedule that would be anticipated by the applicant

Objection: The City is governed by the Sunshine Ordinance. See, Chapter 67 of the San Francisco Administrative Code. The Public Records Act and the Sunshine Ordinance require the City to disclose any identifiable record in its possession. Neither the Public Records Act nor the Sunshine Ordinance requires the City to create a document that is not already in existence, perform analyses, estimations, comparisons, explanations or reply to a series of questions or interrogatories. The City objects to this request as it is not a proper public records request. (See, www.sfgov.org/site/uploadedfiles/cityattorney/GOODGOVT.PDF). Notwithstanding and without waiving this objection, the City is today providing a response to this request in accordance with the CEC Siting Regulations.

3.1-2. Please provide a copy of the CAL ISO Action plan dated November 2004 and any correspondence between ISO and the applicant related to that plan. Including reliability and risk issues associated with the closure of the Hunters Point and Potrero Power Plants and the potential elimination of over 320 MW of in city generation. Please include a discussion of why all four peaking units cannot be sited at the airport in light of the fact

¹ CARE sent the requests via email on May 30, 2005, the Memorial day holiday, thus the requests were available for review by the City on the first business day thereafter, May 31, 2005.

that San Francisco Peninsula will rely almost entirely on imported generation with the closure of Potrero and the Hunters Point Power Plant.

Objection: The City objects to this request as it is not a proper public records request. As noted above, neither the Public Records Act nor the Sunshine Ordinance requires the City to create a document that is not already in existence, perform analyses, estimations, comparisons, explanations or reply to a series of questions or interrogatories. (See, www.sfgov.org/site/uploadedfiles/cityattorney/GOODGOVT.PDF) Notwithstanding and without waiving this objection, the City is today providing a response to this request in accordance with the CEC Siting Regulations.

3.2-1. Please provide an estimate of the average cost to generate a kilowatt of electricity in simple cycle for the SFERP compared to the cost to provide a kilowatt of electricity with the project in combined cycle configuration.

Objection: The City objects to this request as it is not a proper public records request. As noted above, neither the Public Records Act nor the Sunshine Ordinance requires the City to create a document that is not already in existence, perform analyses, estimations, comparisons, explanations or reply to a series of questions or interrogatories. (See, www.sfgov.org/site/uploadedfiles/cityattorney/GOODGOVT.PDF) Notwithstanding and without waiving this objection, the City is today providing a response to this request in accordance with the CEC Siting Regulations.

3.2-2. Please provide an estimate of the cost of dry cooling for this project compared to the current proposed cooling method.

Objection: The City objects to this request as it is not a proper public records request. As noted above, neither the Public Records Act nor the Sunshine Ordinance requires the City to create a document that is not already in existence, perform analyses, estimations, comparisons, explanations or reply to a series of questions or interrogatories. (See, www.sfgov.org/site/uploadedfiles/cityattorney/GOODGOVT.PDF) Notwithstanding and without waiving this objection, the City is today providing part of its response to this request in accordance with the CEC Siting Regulations. The City will complete its answer and provide an estimate of the cost of dry cooling for the project within the 30 days allowed for responses to information requests by CEC Siting Regulations.

3.3-2. Please provide the location and quantity of workers who work along the fence lines of the proposed site including the maintenance center next to the project site.

Objection: The City objects to this request as it is not a proper public records request. As noted above, neither the Public Records Act nor the Sunshine Ordinance requires the City to create a document that is not already in existence, perform analyses, estimations, comparisons, explanations or reply to a series of questions or interrogatories. (See, www.sfgov.org/site/uploadedfiles/cityattorney/GOODGOVT.PDF)

Notwithstanding and without waiving this objection, the City is today providing a response to this request in accordance with the CEC Siting Regulations.

3.4-1. Please explain how the reduction of NO_x a regional pollutant will support environmental justice and provide evidence of any NO₂ or ozone exceedances in the project area that supports this claim.

Objection: The City objects to this request as it is not a proper public records request. As noted above, neither the Public Records Act nor the Sunshine Ordinance requires the City to create a document that is not already in existence, perform analyses, estimations, comparisons, explanations or reply to a series of questions or interrogatories. (See, www.sfgov.org/site/uploadedfiles/cityattorney/GOODGOVT.PDF) Notwithstanding and without waiving this objection, the City is today providing a response to this request in accordance with the CEC Siting Regulations.

3.4-3. Please provide a comparison of the average cost of a kilowatt hour of electricity produced by the SFERP compared to the average cost of all generation provided to the SF Peninsula to provide a more valid comparison of how the SFERP will lower the average cost of power to SF residents and in particular the low income residents of Hunters Point and Potrero neighborhoods.

Objection: The City objects to this request as it is not a proper public records request. As noted above, neither the Public Records Act nor the Sunshine Ordinance requires the City to create a document that is not already in existence, perform analyses, estimations, comparisons, explanations or reply to a series of questions or interrogatories. (See, www.sfgov.org/site/uploadedfiles/cityattorney/GOODGOVT.PDF) Further, there is no commonly accepted estimate of "the average cost of all generation provided to the SF Peninsula" and in fact, much of the relevant information for such an estimate is possessed by Pacific Gas and Electric Company and treated as highly confidential information (for example in the context of the ongoing procurement proceedings before the California Public Utilities Commission). Notwithstanding and without waiving this objection, the City is today providing a response to this request in accordance with the CEC Siting Regulations.

3.4-4. Please describe how this plan will improve reliability since the majority of electricity will have to be imported since most outages in San Francisco have been related to substations and transmission lines.

Objection: The City objects to this request as it is not a proper public records request. As noted above, neither the Public Records Act nor the Sunshine Ordinance requires the City to create a document that is not already in existence, perform analyses, estimations, comparisons, explanations or reply to a series of questions or interrogatories. (See, www.sfgov.org/site/uploadedfiles/cityattorney/GOODGOVT.PDF) Notwithstanding and without waiving this objection, the City is today providing a response to this request in accordance with the CEC Siting Regulations.

3.4-5. Please provide the number of outages in San Francisco that have been initiated by transmission lines compared to the number of outages that have been caused by the failure of the Potrero 3 unit over the life of the Potrero 3 unit. Please provide the risk assessment and the Cal ISO risk evaluation from the October 27, 2004 CAL ISO letter to CCSF.

Objection: The City objects to this request as it is not a proper public records request. As noted above, neither the Public Records Act nor the Sunshine Ordinance requires the City to create a document that is not already in existence, perform analyses, estimations, comparisons, explanations or reply to a series of questions or interrogatories. (See, www.sfgov.org/site/uploadedfiles/cityattorney/GOODGOVT.PDF) Further, the City does not possess a record of the outages in San Francisco and their cause over the life of the Potrero unit 3. Notwithstanding and without waiving this objection, the City is today providing a response to this request in accordance with the CEC Siting Regulations.

3.5-1. Please provide all health studies that have been conducted in the Bayview Hunters Point and Potrero neighborhoods that the Applicant has sponsored or is aware of.

Objection: The City objects to this public records request and data request as overly board in that it requests "all health studies" without reference to a timeframe for the request. Without waiving the objection, the City has undertaken a search of its Public Health files and is providing today via U.S. mail nine reports.

3.6-1. Please provide a noise contour map from the operation of the SFERP and any associated project components that will generate noise including compressors, pumps, etc.

Objection: The City objects to this request as it is not a proper public records request. As noted above, neither the Public Records Act nor the Sunshine Ordinance requires the City to create a document that is not already in existence, perform analyses, estimations, comparisons, explanations or reply to a series of questions or interrogatories. (See, www.sfgov.org/site/uploadedfiles/cityattorney/GOODGOVT.PDF) Notwithstanding and without waiving this objection, the City is today providing a response to this request in accordance with the CEC Siting Regulations.

3.6-2. Please provide the number and location of buildings which contain mixed uses of residential and industrial or office in the project area and estimated noise impacts from the SFERP.

Objection: The City objects to this request as it is not a proper public records request. As noted above, neither the Public Records Act nor the Sunshine Ordinance requires the City to create a document that is not already in existence, perform analyses, estimations, comparisons, explanations or reply to a series of questions or interrogatories. (See, www.sfgov.org/site/uploadedfiles/cityattorney/GOODGOVT.PDF)

Notwithstanding and without waiving this objection, the City is today providing a response to this request in accordance with the CEC Siting Regulations.

3.7-1. Please estimate the percentage of Nitrogen deposition that would be reduced should the applicant employ the SCONOX Technology and eliminate the use of Ammonia

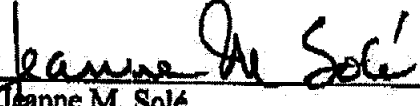
Objection: The City objects to this request as it is not a proper public records request. As noted above, neither the Public Records Act nor the Sunshine Ordinance requires the City to create a document that is not already in existence, perform analyses, estimations, comparisons, explanations or reply to a series of questions or interrogatories. (See, www.sfgov.org/site/uploadedfiles/cityattorney/GOODGOVT.PDF)
Notwithstanding and without waiving this objection, the City is today providing a response to this request in accordance with the CEC Siting Regulations.

Dated: June 9, 2005

Respectfully submitted,

DENNIS J. HERRERA
CITY ATTORNEY
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Energy Resources Conservation
and Development Commission

Application for Certification for the)
SAN FRANCISCO ELECTRIC RELIABILITY)
PROJECT (SFERP))
_____))
)

Docket No. 04-AFC-1

PROOF OF SERVICE

I, Kiana Davis, declare that on June 9, 2005, I deposited copies of the
attached **APPLICANT'S OBJECTIONS AND NOTICES OF NEED FOR
ADDITIONAL TIME IN RESPONSE TO CARE MAY 31, 2005, DATA
REQUESTS** in the United States mail in San Francisco, California, with first-class
postage thereon fully prepaid and addressed to all parties on the attached service list.

I declare under the penalty of perjury that the foregoing is true and correct.



Kiana Davis

SERVICE LIST

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